

AMENDED IN ASSEMBLY MAY 5, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 604

Introduced by Assembly Member Dymally

February 19, 2003

An act to amend Section 47651 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 604, as amended, Dymally. Education: charter schools.

(1) Existing law, the Charter Schools Act of 1992, allows for the establishment of charter schools that operate independently from the existing school district structure as a method of accomplishing specified goals. The act deems a charter school to be a school district for purposes of determining the manner in which warrants are drawn on the State School Fund. The act authorizes a charter school to receive the state aid portion of the charter school's total general-purpose entitlement and categorical block grant directly or ~~through~~ *through* the local educational agency that either grants its charter or was designated by the State Board of Education.

This bill would, notwithstanding those provisions, require in the case of a charter school that operates schools at multiple sites, that the charter school receive its funding directly from the county superintendent of schools of the county in which the local educational agency that approved the charter, or was designated by the state board, is located. The bill would authorize the county superintendent of schools to establish appropriate accounts in the county treasury for the charter school and each of its schoolsites, and would prescribe the manner of

deposit *and allocation of these funds*. The bill would impose a state-mandated local program to the extent that it imposes new duties on the county superintendent of schools.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47651 of the Education Code is
2 amended to read:

3 47651. (a) A charter school may receive the state aid portion
4 of the charter school's total general-purpose entitlement and
5 categorical block grant directly or through the local educational
6 agency that either approved its charter or was designated by the
7 State Board of Education as the oversight agency pursuant to
8 paragraph (1) of subdivision (k) of Section 47605.

9 (1) In the case of a charter school that elects to receive its
10 funding directly, the warrant shall be drawn in favor of the
11 superintendent of schools of the county in which the local
12 educational agency that approved the charter or was designated by
13 the board as the oversight agency pursuant to paragraph (1) of
14 subdivision (k) of Section 47605, is located, for deposit to the
15 appropriate funds or accounts of the charter school in the county
16 treasury. The county superintendent of schools may establish
17 appropriate funds or accounts in the county treasury for each
18 charter school.

19 (2) In the case of a charter school that does not elect to receive
20 its funding directly pursuant to this section, the warrant shall be
21 drawn in favor of the superintendent of schools of the county in



which the local educational agency that approved the charter, or was designated by the board as the oversight agency pursuant to paragraph (1) of subdivision (k) of Section 47605, is located, for deposit to the appropriate funds or accounts of the local educational agency.

(3) In the case of a charter school, the charter of which was granted by the board, but for which the board has not delegated oversight responsibilities pursuant to paragraph (1) of subdivision (k) of Section 47605, the warrant shall be drawn in favor of the superintendent of schools of the county in which the local educational agency is located that initially denied the charter that was later approved by the board. The county superintendent of schools may establish appropriate funds or accounts in the county treasury for each charter school.

(4) Notwithstanding any other provision of this section, in the case of a charter school that operates schools at multiple sites, the warrant shall be drawn in favor of the superintendent of schools of the county in which the local educational agency that approved the charter, or was designated by the board as the oversight agency pursuant to paragraph (1) of subdivision (k) of Section 47605, is located. The county superintendent of schools may establish appropriate accounts in the county treasury for the charter school and each of its separate schoolsites, to ensure ~~that~~ *all of the following:*

(A) *That each separate schoolsite of the charter school receives no less than 90 85 percent of the total revenue that is generated by the number of pupils actually served at the separate schoolsite, minus the costs charged by the chartering agency or local agency pursuant to Section 47613. served at the separate schoolsite.*

(B) *That no more than 10 percent of the total revenue that is generated by the number of pupils actually served at the separate schoolsite is allocated to the charter school.*

(C) *That no more than 2 percent of the total revenue that is generated by the number of pupils actually served at the separate schoolsite is allocated to the county superintendent of schools.*

(D) *That 1 to 3 percent of the total revenue that is generated by the number of pupils actually served at the separate schoolsite is allocated to the chartering agency pursuant to Section 47613 for costs incurred by the chartering agency.*

1 (E) That any remaining funds are distributed to the multiple
2 schoolsites in an amount that is based on the number of pupils
3 actually served at the schoolsite and used for the direct operational
4 expenses of these schoolsites, except that these funds may not be
5 used for the administrative costs of the chartering agency, the local
6 agency that approved the charter, the charter school, or the county
7 superintendent.

8 (b) On or before June 1 of each year, a charter school electing
9 to receive its funding directly shall so notify the county
10 superintendent of schools of the county in which the local
11 educational agency that approved the charter is located or, in the
12 case of charters for which the board has designated an oversight
13 agency pursuant to paragraph (1) of subdivision (k) of Section
14 47605, the county superintendent of schools of the county in which
15 the designated oversight agency is located. An election to receive
16 funding directly shall apply to all funding that the charter school
17 is eligible to receive including, but not limited to, the charter
18 general-purpose entitlements and the categorical block grant
19 computed pursuant to Sections 47633 and 47634, other state and
20 federal categorical aid, and lottery funds.

21 (c) A charter school receiving funds pursuant to this section is
22 also subject to Section 42127.8.

23 SEC. 2. Notwithstanding Section 17610 of the Government
24 Code, if the Commission on State Mandates determines that this
25 act contains costs mandated by the state, reimbursement to local
26 agencies and school districts for those costs shall be made pursuant
27 to Part 7 (commencing with Section 17500) of Division 4 of Title
28 2 of the Government Code. If the statewide cost of the claim for
29 reimbursement does not exceed one million dollars (\$1,000,000),
30 reimbursement shall be made from the State Mandates Claims
31 Fund.